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Attorneys for Plaintiff
UNIVERSAL PARAGON CORPORATION and
SUNQUEST PROPERTIES, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Case No. CV-05-3100 TEH

UNIVERSAL PARAGON CORPORATION, a
Delaware corporation; and SUNQUEST
PROPERTIES, INC., a California corporation,

Plaintiffs,

vs.

INGERSOLL-RAND COMPANY LIMITED, a
Bermuda corporation; INGERSOLL-RAND
CORPORATION, a New Jersey corporation;
SCHLAGE LOCK COMPANY, a California
corporation; and TOUCH-PLATE
INTERNATIONAL, INC., a California
corporation,

Defendants.

**STIPULATION AND REQUEST FOR
DISMISSAL WITH PREJUDICE**

AND RELATED COUNTERCLAIM

BACKGROUND

The claims remaining in this matter are remnants of a larger dispute, the majority of which was resolved in May and June 2008. Plaintiffs filed this action in July 2005 against former defendants Ingersoll-Rand Corporation and Ingersoll-Rand (New Jersey), Schlage Lock Company, and Touch-Plate International (collectively "Ingersoll-Rand") to recover cleanup costs and related damages resulting from Ingersoll-Rand's contamination of property owned by Plaintiffs along Highway 101 in San Francisco and Brisbane, California (the "UPC Property"). In December 2005, Ingersoll-Rand filed a third-party complaint against Union Pacific Railroad Company ("Union Pacific") seeking damages, contribution and indemnity due to Union Pacific's alleged contamination of the UPC Property as well as related contamination allegedly caused by Union Pacific at the adjacent property then owned by Ingersoll-Rand (the "I-R Property"). In May 2008, with the assistance of Magistrate Judge Joseph Spero, Plaintiffs and Ingersoll-Rand settled their dispute. The settlement included the assignment of Ingersoll-Rand's claims in this action against Union Pacific to Plaintiffs.

STIPULATION FOR DISMISSAL

Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiffs and Union Pacific Railroad Company, by and through their respective counsel of record, hereby stipulate to dismiss this action with prejudice.

IT IS SO STIPULATED.

Dated: March 10, 2011

COX, CASTLE & NICHOLSON LLP

By: 

Stuart I. Block, Attorneys for Plaintiff
UNIVERSAL PARAGON CORPORATION and
SUNQUEST PROPERTIES, INC.

BARG COFFIN LEWIS & TRAPP, LLP

Dated: March 11, 2011

By: 

John F. Barg, Attorneys for Third Party Defendant
UNION PACIFIC RAILROAD COMPANY



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